

AL-13-000-5393

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 9, 2013

The Honorable Robert Perciasepe  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Acting Administrator Perciasepe,

I write to you once again today regarding BP's ability to profit from federal contracts. As you know, BP is currently barred from profiting from federal contracts, a decision made by the Environmental Protection Agency last November following the announcement of BP pleading guilty to numerous criminal charges, including obstruction of congress, arising from the Deepwater Horizon disaster.<sup>1</sup>

Nearly three years after the Deepwater Horizon exploded, we still lack critical information about what BP knew during the spill and why BP's leadership allowed the company to engage in obstruction of congress by providing false and misleading information to me in my capacity as Chairman of the Energy and Commerce Committee's Subcommittee on Energy and the Environment. While I have frequently requested information and documents about those subjects, BP has yet to fully satisfy all the requests I made back when oil was still flooding into the Gulf of Mexico in spring 2010. To that end, I wrote BP's Chief Executive Officer, Bob Dudley, on February 20<sup>th</sup> again asking for those documents, information about why BP's congressional response protocols failed, and what steps BP has taken to ensure that these failures of congressional response never happened again. To ensure that these critical questions are answered, I wrote to now-former Administrator Lisa Jackson on February 20<sup>th</sup> to "request that you not lift the debarment until BP provides me with a full and complete response to my letter, along with all the requested documents."

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<sup>1</sup> For a more fulsome discussion of the background of this subject, please see the letters I sent BP CEO Dudley and Former Administrator Jackson late last month, available at [http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/documents/2013-02-20\\_Markey\\_BP.pdf](http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/documents/2013-02-20_Markey_BP.pdf) and [http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/documents/2013-02-20\\_EPA\\_BP.pdf](http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/documents/2013-02-20_EPA_BP.pdf)

While I have received a response to my letter from BP, I am sorry to report that it does not answer any of my questions in detail or provide the requested documents. The letter, which was prepared by BP's outside counsel "on behalf" of the company and is attached to this document, states that BP "voluntarily began to put additional procedures in place to enhance its overall ethics and compliance and which were designed to prevent future criminal and ethical violations, well before it entered into the plea agreement." The letter goes on to mention that BP has strengthened its "Ethics and Compliance ('E&C') function" and its "Code of Conduct" and is now required to retain a process safety monitor and an ethics monitor approved by the Department of Justice. Unfortunately, no additional details are provided about those reforms, leaving me unclear as to what the strengthening of those internal processes actually entailed, and rendering these few meager statements an inadequate response to my request for information about "the reforms ... BP instituted internally to ensure that it will not provide Congress or the American people with false or inaccurate information again in the future."

The letter declines to fulfill any of my document requests, including the documents that "BP has admitted it withheld . . . from the Committee on Energy and Commerce's Subcommittee on Energy and the Environment during the 111<sup>th</sup> Congress." The letter also declines to answer any of my questions about BP's previous actions, including my questions about when BP became aware that it had provided false information to Congress and the steps BP took "to rectify this problem." According to BP's letter, responses to these and other questions "would not be appropriate" at this time due to the ongoing status of the civil trial against BP in the United States District Court for the Eastern District of Louisiana.

I disagree that BP is unable to respond in a more fulsome manner at this time; much of the information I am seeking has already been provided to the Department of Justice prior to the announcement that BP would plead guilty to obstruction of Congress. As a result, I have written to BP today to suggest that it can make an effort to provide additional information to me immediately. A copy of that letter is attached.

However, if BP continues to take the position that it cannot provide additional information as long as the civil trial is active, I request that the Environmental Protection Agency continue to bar BP from federal contracts until BP is willing to provide the requested documents and information to my satisfaction. As cases are typically not deemed resolved until all appeals are finished, this means that BP may have to remain barred for several years. Indeed, the litigation over the 1989 spill of the Exxon Valdez was not fully resolved until the Supreme Court issued a decision on the scope of punitive damages in 2008, nearly 20 years later.

BP has requested that the American people not gain additional information about the worst spill in the Gulf of Mexico until the civil trial on the matter is concluded. It is only fair that BP remain barred until we gain a full and fair accounting of BP's obstruction of congress and the reforms

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that have been instituted since. If BP feels this situation is unfair, it has the power to provide more information at any time.

Thank you very much for your attention to this important matter. I request that you respond to this letter by June 3, 2013. If you have any questions or concerns, please have your staff contact Justin Slaughter at 202-225-6065.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style with a large initial "E".

Edward J. Markey  
Ranking Democratic Member  
Natural Resources Committee



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**JUN 14 2013**

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter to Acting Administrator Robert Perciasepe, dated May 9, 2013, concerning the Notice of Suspension the Environmental Protection Agency issued against BP plc and its affiliates (collectively "BP") on November 28, 2012. In your letter, you state that BP has notified you it will not provide at this time a full and complete response to your document requests about the Deepwater Horizon disaster due to the ongoing status of the civil trial against BP. Your letter requests the EPA keep the suspension in place if BP continues to take the position that it cannot provide additional information as long as the civil trial is active.

The BP Suspension is an on-going matter before me so I am not at liberty to discuss any details. I have incorporated your letter in the administrative record. Please be assured that I will carefully consider it along with the other evidence in this case before making a final decision.

Again, thank you for your letter. If you have further questions, you or your staff may call Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at 202-564-0260.

Sincerely,

A handwritten signature in black ink, which appears to read "Richard A. Pelletier", is written over the typed name.

Richard A. Pelletier  
Suspension and Debarment Official